

NOTICE OF INTENT

Department of Health and Hospitals Board of Medical Examiners

Perfusionists; General, Licensure
and Certification and Practice
(LAC 46:XLV.251-255, 2701-2751, and 5801-5811)

Notice is hereby given in accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq. and pursuant to the authority of the Louisiana Medical Practice Act, R.S. 37:1270, and the Louisiana Perfusion Licensure Act, R.S. 37:1331-1343, that the Louisiana State Board of Medical Examiners (Board) intends to adopt rules respecting the general regulation, licensure, certification and practice of perfusionists, Title 46, (Professional And Occupational Standards), Part XLV (Medical Professions), Subpart 1 (General) Chapter 1 (Fees and Costs), Subchapter O, §§251-255, Subpart 2 (Licensure and Certification) Chapter 27, §§2701-2751 and Subpart 3 (Practice) Chapter 58, §§5801-5811.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XLV. Medical Professions

Subpart 1. General

Chapter 1. Fees and Costs

Subchapter O. Perfusionists Fees

§251. Scope of Subchapter

A. The rules of this Subchapter prescribe the fees and costs applicable to the board's issuance of a license or provisional license to practice perfusion in this state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1331-1343, 37:1270 and 37:1281.

HISTORICAL NOTE: Promulgated by the Department of Health Hospitals, Board of Medical Examiners, LR 40:

§253. Licenses and Permit

A. For processing an application for a license as a licensed perfusionist a fee of \$300 shall be payable to the board.

B. For processing an application for a provisional license as a perfusionist a fee of \$200 shall be payable to the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1331-1343, 37:1270, 37:1281.

HISTORICAL NOTE: Promulgated by the Department of Health Hospitals, Board of Medical Examiners, LR 40:

§255. Renewals and Extensions

A. For processing an application for renewal of a licensed perfusionist's license a fee of \$150 shall be payable to the board.

B. For processing an extension of a provisional license as a perfusionist a fee of \$100 shall be payable to the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1331-1343, 37:1270 and 37:1281.

HISTORICAL NOTE: Promulgated by the Department of Health Hospitals, Board of Medical Examiners, LR 40:

Subpart 2. Licensure and Certification

Chapter 27. Perfusionists

Subchapter A. General Provisions

§2701. Scope of Chapter

A. The rules of this Chapter govern the licensing of perfusionists in Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1331-1343 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 40:

§2703. Definitions

A. As used in this Chapter, unless the context clearly states otherwise, the following terms and phrases shall have the meanings specified.

Advisory Committee on Perfusion or *Committee*—the committee established in R.S. 37:1339.

American Board of Cardiovascular Perfusion or *ABCP*—the national credentialing entity for the perfusionist profession, or its successor.

Applicant—a person who has applied to the board for a license or provisional license to practice perfusion.

Board—the Louisiana State Board of Medical Examiners.

Good Moral Character—as applied to an applicant, means that an applicant has not, prior to or during the pendency of an application to the board been guilty of any act, omission, condition or circumstance which would provide legal cause for the denial, suspension or revocation of a perfusionist's license; the applicant has not, prior to or in connection with his application, made any representation to the board, knowingly or unknowingly, which is in fact false or misleading as to material fact or omits to state any fact or matter that is material to the application; and the applicant has not made any representation or failed to make a representation or engaged in any act or omission which is false, deceptive, fraudulent or misleading in achieving or obtaining any of the qualifications for a license required by this Chapter.

Extracorporeal Circulation—the diversion of a patient's blood through a heart-lung machine or similar device that assumes the functions of the patient's heart, lungs, kidney, liver or other organs.

License—the lawful authority to engage in the practice of perfusion in this state, as evidenced by a certificate duly issued by and under the official seal of the board as a licensed perfusionist or provisional licensed perfusionist.

Licensed Perfusionist—a perfusionist who is currently licensed by the board to practice perfusion in this state.

Perfusion—the functions necessary for the support, treatment, measurement, or supplementation of the cardiovascular, circulatory, respiratory systems or other organs, or a combination of those activities, and to ensure the safe management of physiologic functions by monitoring and analyzing the parameters including, but not limited to, the following activities conducted upon the written prescription or verbal order of a physician and/or provided in accordance with perfusion protocols:

- a. the use of extracorporeal circulation, long-term cardiopulmonary support techniques, including extracorporeal carbon dioxide removal and extracorporeal membrane oxygenation, and associated therapeutic and diagnostic techniques;

- b. counterpulsation, ventricular assistance, autotransfusion, blood conservation techniques, myocardial and organ preservation, extracorporeal life support, and isolated limb perfusion;

- c. blood management techniques, advanced life support, and other related functions;

- d. in the performance of the acts described in this Subparagraph:

- i. the administration of pharmacological agents, therapeutic agents, blood products or anesthetic agents through the extracorporeal circuit as ordered by a physician;

- ii. the performance and use of:
 - (a). anticoagulation monitoring and analysis;

- (b). physiologic monitoring and analysis;
 - (c). blood gas and chemistry monitoring and analysis;

- (d). hematologic monitoring and analysis;
 - (e). hypothermia;
 - (f). hyperthermia;
 - (g). hemoconcentration and hemodilution;

and

- (h). hemodialysis.

- iii. The observation of signs and symptoms related to perfusion services, the determination of whether the signs and symptoms exhibit abnormal characteristics and the implementation of appropriate reporting, perfusion protocols or changes in or the initiation of an emergency.

Perfusionist—an individual who is qualified by academic and clinical education, to operate the extracorporeal circulation equipment during any medical situation where it is necessary to support or replace a person's cardiopulmonary, circulatory or respiratory function. A perfusionist is responsible for the selection of appropriate equipment and techniques necessary for support, treatment,

measurement, or supplementation of the cardiopulmonary and circulatory system of a patient, including the safe monitoring, analysis, and treatment of physiologic conditions.

Perfusion Licensure Act or Act—R.S. 37:1331-1343, as may be amended or supplemented.

Perfusion Protocols—perfusion related policies and protocols developed or approved by a licensed health facility or a physician through collaboration with administrators, licensed perfusionists, and other health care professionals. Such protocols shall be in writing, kept current, maintained at the health facility or by the physician and produced at the board's request.

Physician—an individual who is currently licensed by the board to practice medicine in the state of Louisiana.

Provisional Licensed Perfusionist—an individual who is provisionally licensed under this Chapter to engage in perfusion under the supervision and direction of a licensed perfusionist. A provisional license is of determinate, limited duration and implies no right or entitlement to the issuance of a license as a licensed perfusionist.

Supervision and Direction—responsible direction and control by a licensed perfusionist for the proper performance of perfusion services by a provisional licensed perfusionist. Such supervision shall not be construed to require the immediate physical presence of the licensed perfusionist; however, the licensed perfusionist shall be accessible on-site or immediately available by telephone, telecommunications or other electronic means to furnish assistance and direction at all times that a provisional licensed perfusionist performs perfusion.

Supervising Perfusionist—an individual who is currently licensed by the board under this Chapter as a licensed perfusionist, who provides supervision and direction to a provisional licensed perfusionist.

United States Government—any department, agency or bureau of the United States Armed Forces or Veterans Administration.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1331-1343 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 40:

Subchapter B. Requirements and Qualifications for Licensure

§2705. Scope of Subchapter

A. The rules of this Subchapter govern and prescribe the requirements, qualifications and conditions requisite to eligibility for licensure as a licensed perfusionist and provisional licensed perfusionist in the state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1331-1343 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 40:

§2707. Licensed Perfusionist

A. The board may issue a license to practice as a licensed perfusionist to an individual who has made application to the board. To be eligible for licensure as a licensed perfusionist an applicant shall:

1. be at least 18 years of age;
2. be of good moral character;
3. be a high school graduate or have the equivalent of a high school diploma;
4. be a graduate of a perfusion education program, the educational standards of which have been established by the Accreditation Committee for Perfusion Education, and accredited by the Commission on Accreditation of Allied Health Education Programs (CAAHEP), or their successors or such other accrediting organization as the board may subsequently approve.
5. have passed the clinical perfusion certification examination offered by the American Board of Cardiovascular Perfusion, or its successor organization;
6. be a citizen of the United States or possess valid and current legal authority to reside and work in the United States duly issued by the United States Citizenship and Immigration Services of the United States, Department of Homeland Security, under and pursuant to the Immigration and Nationality Act (66 Stat. 163) and the regulations thereunder (8 C.F.R.);
7. satisfy the applicable fees as prescribed by Chapter 1 of these rules;
8. satisfy the procedures and requirements for application provided by Subchapter C of this Chapter; and
9. not be otherwise disqualified for licensure by virtue of the existence of any grounds for denial of licensure as provided by the Act or in Chapter 58 of these rules.

B. An individual who meets all of the requirements set forth in Subsection A of this Section, save for §2707.A.4 and 5, may nevertheless be licensed by the board provided the applicant:

1. as of July 1, 2003, was operating cardiopulmonary bypass systems during cardiac surgical cases in a licensed health care facility in this state as the applicant's primary function; and
2. is actively engaged in the practice of perfusion consistent with applicable law.

C. The burden of satisfying the board as to the qualifications and eligibility of the applicant for licensure shall be upon the applicant. An applicant shall not be deemed to possess such qualifications unless the applicant demonstrates and evidences such

qualifications in the manner prescribed by and to the satisfaction of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1331-1343 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 40:

§2709. Recognition of Perfusion Education Programs

A. Graduation from an accredited perfusion education program is among the required qualifications for licensure as a perfusionist. This qualification shall be deemed to be satisfied if, as of the date of the applicant's graduation, such program is accredited by the Commission on Accreditation of Allied Health Education Programs (CAAHEP).

B. A perfusion education program that is not accredited, or whose accreditation has been revoked or suspended by CAAHEP, shall be deemed unacceptable to qualify applicants for licensure in this state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1331-1343 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 40:

§2711. License by Reciprocity

A. The board may issue a license to practice as a licensed perfusionist to an applicant who holds a current, unrestricted license to practice as a perfusionist duly issued by the licensing authority of another state, the District of Columbia, or a territory of the United States, and meets and satisfies all of the qualifications, procedures and requirements specified by Section 2707 of this Subchapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1331-1343 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 40:

§2713. Provisional License

A. The board may issue a license to practice as a provisional licensed perfusionist to an individual who has made application to the board. To be eligible for a provisional license an applicant shall:

1. meet and satisfy all of the qualifications, procedures and requirements specified by Section 2707 of this Subchapter, save for passage of the certification examination in clinical perfusion offered by the American Board of Cardiovascular Perfusion; and
2. identify a supervising licensed perfusionist who has agreed to provide supervision and direction at all times during which the applicant provides perfusion services as a provisional licensed perfusionist. A provisional licensed perfusionist may

have multiple supervising perfusionists provided; however, the individual identified in an application to the board as the supervising perfusionist shall be deemed to be the primary supervising perfusionist.

B. The burden of satisfying the board as to the qualifications and eligibility of the applicant for a provisional license shall be on the applicant. An applicant shall not be deemed to possess such qualifications unless the applicant demonstrates and evidences such qualifications in a manner prescribed by and to the satisfaction of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1331-1343 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 40:

Subchapter C. Application

§2715. Purpose and Scope

A. The rules of this Subchapter govern the procedures and requirements for application to the board for a license to practice as a licensed perfusionist or provisional licensed perfusionist in the state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1331-1343 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 40:

§2717. Application Procedure

A. Application for licensure or provisional licensure shall be made in a format approved by the board.

B. Applications and instructions may be obtained from the board's web page or by personal or written request to the board.

C. An application under this Chapter shall include:

1. proof documented in a form satisfactory to the board that the applicant possesses the qualifications set forth in this Chapter;
2. one recent photograph of the applicant;
3. certification of the truthfulness and authenticity of all information, representations and documents contained in or submitted with the completed application;
4. criminal history record information;
5. payment of the applicable fee as provided in Chapter 1 of these rules; and
6. such other information and documentation as the board may require.

D. An applicant for a provisional license shall, in addition, cause written verification of a supervising licensed perfusionist's agreement to provide supervision and direction to be submitted in a format and manner prescribed by the board.

E. All documents required to be submitted to the board must be the original thereof. For good cause

shown, the board may waive or modify this requirement.

F. The board may reject or refuse to consider any application which is not complete in every detail, including submission of every document or item required by the application. The board may, at its discretion, require a more detailed or complete response to any request for information set forth in the application as a condition to consideration of an application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1331-1343 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 40:

§2719. Effect of Application

A. The submission of an application for licensure to the board shall constitute and operate as an authorization by the applicant to each educational institution at which the applicant has matriculated, each governmental agency to which the applicant has applied for any license, permit, certificate or registration, each person, firm, corporation, organization or association by whom or with whom the applicant has been employed as a perfusionist, each physician whom the applicant has consulted or seen for diagnosis or treatment, and each professional or trade organization to which the applicant has applied for membership, to disclose and release to the board any and all information and documentation concerning the applicant which the board deems material to consideration of the application. With respect to any such information or documentation, the submission of an application for licensure to the board shall equally constitute and operate as a consent by the applicant to the disclosure and release of such information and documentation as a waiver by the applicant of any privileges or right of confidentiality which the applicant would otherwise possess with respect thereto.

B. By submission of an application for licensure to the board, an applicant shall be deemed to have given his consent to submit to physical or mental examinations if, when, and in the manner so directed by the board if the board has reasonable grounds to believe that the applicant's capacity to act as a perfusionist with reasonable skill or safety may be compromised by physical or mental condition, disease or infirmity, and the applicant shall be deemed to have waived all objections as to the admissibility or disclosure of findings, reports or recommendations pertaining thereto on the grounds of privileges provided by law.

C. The submission of an application for licensure to the board shall constitute and operate as an authorization and consent by the applicant to the

board to disclose any information or documentation set forth in or submitted with the applicant's application or obtained by the board from other persons, firms, corporations, associations or governmental entities pursuant to this Section, to any person, firm, corporation, association or governmental entity having a lawful, legitimate and reasonable need therefor, including, without limitation, the perfusion licensing authority of any state, the American Board of Cardiovascular Perfusion, the Louisiana Department of Health and Hospitals, federal, state, county or parish and municipal health and law enforcement agencies and the Armed Services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1331-1343 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 40:

Subchapter D. Examination

§2721. Purpose and Scope

A. The rules of this Subchapter govern the procedures and requirements applicable to the examination for licensure as a licensed perfusionist in this state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1331-1343 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 40:

§2723. Designation of Examination

A. The examination accepted by the board for licensure as a licensed perfusionist is the certification examination for clinical perfusion administered by the American Board of Cardiovascular Perfusion or its successor, or such other certifying entity as the board may subsequently approve.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1331-1343 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 40:

§2725. Restriction, Limitation on Examinations

A. An applicant who fails to obtain a passing score upon taking any part of the American Board of Cardiovascular Perfusion's certification examination four times shall not thereafter be considered for licensure until successfully completing such continuing education or additional training as may be recommended by the advisory committee and approved by the board or as the board may otherwise determine appropriate. For multiple failures beyond four attempts such education or training may include, without limitation, repeating all or a portion of any didactic and/or clinical training required for licensure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1331-1343 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 40:

§2727. Passing Score

A. An applicant will be deemed to have successfully passed the examination accepted by the board if he or she attains a score equivalent to that required by American Board of Cardiovascular Perfusion (ABCP) as a passing score.

B. Applicants shall be required to authorize the ABCP to release their test scores to the board each time the applicant-examinee attempts the examination according to the procedures for such notification established by the ABCP.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1331-1343 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 40:

Subchapter E. Licensure Issuance, Termination, Renewal, Reinstatement and Inactive Status

§2729. Issuance of License

A. If the qualifications, requirements and procedures prescribed or incorporated in this Chapter are met to the satisfaction of the board, the board shall license the applicant to practice perfusion in this state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1331-1343 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 40:

§2731. Expiration of Licenses

A. Every license issued by the board to a licensed perfusionist shall expire, and thereby become null, void and to no effect two years following its issuance on the last day of the month in which the licensee was born.

B. Every provisional license issued by the board shall be effective for two years and shall expire and become null and void on the earlier of:

1. two years from the date of issuance;
2. the date on which the board takes action following notice of:
 - a. the applicant's certification in clinical perfusion by virtue of the successful completion of the ABCP examination; or
 - b. the applicant's fourth unsuccessful attempt to pass any part of the ABCP examination.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1331-1343 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 40:

§2733. Renewal of License, Extension of Provisional License

A. Every license issued by the board to a licensed perfusionist shall be renewed every two years on or before the last day of the month in which the licensee was born by submitting to the board:

1. a renewal application in a format prescribed by the board;
2. documentation of satisfaction of the continuing requirement prescribed by Subchapter G of this Chapter;
3. the renewal fee prescribed in Chapter 1 of these rules; and
4. such other information or documentation as the board may require.

B. An applicant previously licensed by the board in accordance with §2707.B of this Chapter shall, in addition to satisfying the requirements of Subsection A of this Section, provide written documentation in a form and manner deemed acceptable to the board from one or more physicians, supervisors and/or hospital administrators, affirming that since his or her last renewal the applicant has been actively engaged in the practice of perfusion and has been primarily responsible for providing perfusion services in a licensed health care facility in this state.

C. Renewal applications and instructions may be obtained from the board's web page or upon personal or written request to the board.

D. Provisional License. A provisional license is not subject to renewal but may be extended at the discretion of the board upon a request which:

1. is submitted in writing;
2. is signed by the provisional licensed perfusionist and by the licensed perfusionist on file with the board as the applicant's supervising licensed perfusionist;
3. is received by the board at least 30 days prior to the expiration of the provisional license; and
4. identifies a life-threatening or significant medical condition or another extenuating circumstance deemed acceptable to the board.

E. The duration of any such extension shall be set by the board in its discretion but shall in no instance exceed the original term of the provisional license. Such an extension may be conditioned upon any terms or conditions that the board may deem appropriate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1331-1343 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 40:

§2735. Reinstatement of License

A. A perfusionist's license which has expired for less than five years from the date of expiration may

be reinstated by the board subject to the conditions and procedures hereinafter provided.

B. An application for reinstatement shall be submitted in a format approved by the board and be accompanied by:

1. a statistical affidavit in a form provided by the board;
2. a recent photograph;
3. documentation of at least 15 hours of continuing education, not less than 5 of which shall be in Category I activities meeting the standards prescribed by the ABCP or such other organization as the board may subsequently approve, for each year that the license was expired;
4. such other information and documentation as is referred to or specified in this Chapter or as the board may require to evidence qualification for licensure; and

5. the renewal fee set forth in Chapter 1 of these rules, plus a penalty computed as follows:

a. if the application for reinstatement is made less than two years from the date of license expiration, the penalty shall be equal to the renewal fee;

b. if the application for reinstatement is made more than two years from the date of license expiration, the penalty shall be equal to twice the renewal fee.

C. A perfusionist whose license has lapsed and expired for a period in excess of two years, during which the applicant has not been licensed or engaged in the practice of perfusion in any state shall, in addition, be required to perform such continuing education or additional training as may be recommended by the advisory committee and approved by the board or as the board may otherwise determine to be appropriate.

D. A perfusionist whose license has lapsed and expired for a period in excess of five years is not eligible for reinstatement consideration but may apply to the board for an initial license pursuant to the applicable rules of this Chapter.

E. A provisional license is not subject to reinstatement.

F. A request for reinstatement may be denied by virtue of the existence of any grounds for denial of licensure as provided by the Act or these rules.

G. The burden of satisfying the board as to the qualifications and eligibility of the applicant for reinstatement of the license as a licensed perfusionist shall be on the applicant. An applicant shall not be deemed to possess such qualifications unless the applicant demonstrates and evidences such qualifications in a manner prescribed by and to the satisfaction of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1331-1343 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 40:

§2737. Inactive License Status

A. A perfusionist's license may be placed on inactive status by giving notice to the board in writing, at least thirty days prior to the time prescribed for license renewal, on forms prescribed by the board. A perfusionist whose license is on inactive status shall be excused from payment of renewal fees and shall not practice perfusion in this state. Any individual who engages in practice while on inactive status shall be subject to administrative action under R.S. 37:1341.

B. A license on inactive status may be reinstated to active status upon application to the board, upon:

1. payment of the current renewal fee;
2. documentation of at least 15 hours of continuing education, not less than 5 of which shall be in Category I activities meeting the standards prescribed by the ABCP or such other organization that the board may subsequently approve, for each year that the license was placed on inactive status; and
3. such other information and documentation as is referred to or specified in this Chapter or as the board may require to evidence qualification for licensure.

C. A perfusionist whose license has been inactive for a period in excess of two years, during which the applicant has not been licensed or engaged in the practice of perfusion in any state shall, in addition, be required to perform such continuing education or additional training as may be recommended by the advisory committee and approved by the board or as the board may determine to be appropriate.

D. A perfusionist whose license has been inactive in excess of five years is not eligible for reinstatement to active status but may apply to the board for an initial license pursuant to the applicable rules of this Chapter.

E. A request for reinstatement to active status may be denied by virtue of the existence of any grounds for denial of licensure as provided by the Act or these rules.

F. A provision license is not subject to placement on inactive license status.

G. The burden of satisfying the board as to the qualifications and eligibility of the applicant for reinstatement to active status as a licensed perfusionist shall be on the applicant. An applicant shall not be deemed to possess such qualifications unless the applicant demonstrates and evidences such qualifications in a manner prescribed by and to the satisfaction of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1331-1343 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 40:

Subchapter F. Advisory Committee

§2739. Organization; Authority

A. The Advisory Committee on Perfusion (the "committee") as established, appointed and organized pursuant to R.S. 37:1339 of the Act, is hereby recognized by the board.

B. The committee shall:

1. have such authority as is accorded to it by the Act;
2. function as prescribed by the Act;
3. advise the board on issues affecting the licensing of perfusionists and on the regulation of perfusion in this state;
4. perform such other functions and provide such additional advice as the board may request; and
5. receive reimbursement for travel expenses incurred during attendance at committee meetings and other business of the committee when authorized by the board.

C. Committee Meetings, Officers. The advisory committee shall meet at least once each calendar year, or more frequently as may be deemed necessary by a quorum of the committee or by the board. The presence of four members shall constitute a quorum of the committee. The committee shall elect from among its members a chair and a vice-chair. The chair, or in the chair's absence or unavailability, the vice-chair, shall call, designate the date, time and place and preside at all meetings of the committee and record, or cause to be recorded, accurate and complete minutes of all meetings of the committee and shall cause copies of the same to be provided to the board.

D. Confidentiality. In discharging the functions authorized under this Section the committee and the individual members thereof shall, when acting within the scope of such authority, be deemed agents of the board. All information obtained by the committee members relative to individual applicants or licensees pursuant to this Section shall be considered confidential. Advisory committee members are prohibited from communicating, disclosing, or in any way releasing to anyone other than the board any confidential information or documents obtained when acting as agents of the board without first obtaining the written authorization of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1331-1343 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 40:

Subchapter G. Continuing Education

§2741. Scope of Subchapter

A. The rules of this Subchapter provide the continuing education requirement necessary for licensure renewal as a licensed perfusionist.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1331-1343 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 40:

§2743. Continuing Educational Requirement

A. A licensed perfusionist shall, within each two year period in which he or she holds a license, successfully complete a minimum of thirty units of continuing education, not less than ten of which shall be in Category I courses meeting the standards prescribed by the ABCP.

B. For purposes of this Chapter, one continuing education unit is equivalent to 50 minutes of participation in an organized continuing education program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1331-1343 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 40:

§2745. Approval of Program Sponsors

A. Any program, course, seminar, workshop or other activity meeting the standards prescribed by the ABCP, the American Medical Association ("AMA"), any AMA recognized medical specialty certification organization, the Louisiana State Medical Society or the Louisiana Hospital Association, shall be deemed approved for purposes of satisfying the continuing education requirement of this Subchapter.

B. Upon the recommendation of the advisory committee, or on its own motion, the board may designate additional organizations and entities whose programs, courses, seminars, workshops, or other activities shall be deemed approved by the board for purposes of qualifying as approved continuing education.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1331-1343 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 40:

§2747. Documentation Procedure

A. Documentation of satisfaction of the continuing education requirement prescribed by this Subchapter need not accompany an application for licensure renewal; however, an applicant shall certify the satisfaction of such requirements.

B. A record or certificate of attendance shall be maintained for at least four years from the date of completion of a continuing education program.

C. The board shall randomly select for audit no fewer than 3 percent of the licensees each year for an

audit of continuing education activities. In addition, the board or advisory committee has the right to audit any questionable documentation of activities. Verification shall be submitted within thirty days of the notification of audit. A licensee's failure to notify the board of a change of mailing address will not absolve the licensee from the audit requirement.

D. Any continuing education not presumptively approved pursuant to §2745 of this Chapter, shall be referred to the advisory committee for its evaluation and recommendations prior to licensure denial or renewal.

E. If the advisory committee determines that a continuing education program does not qualify for recognition by the board or does not qualify for the number of units claimed by the applicant, the board shall give notice of such determination to the applicant. An applicant may appeal the advisory committee's recommendation to the board by written request delivered to the board within 10 days of such notice. The board's decision with respect to approval and recognition of such program or activity shall be final.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1331-1343 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 40:

§2749. Failure to Satisfy Continuing Education Requirement; Falsification

A. An applicant for renewal of licensure who fails to evidence satisfaction of the continuing education requirement prescribed by these rules shall be given written notice of such failure by the board. The license of the applicant shall remain in full force and effect for a period of 90 days following the mailing of such notice, following which it shall be deemed expired, unrenewed and subject to suspension or revocation without further notice unless the applicant shall have, within such 90 days, furnished the board satisfactory evidence by affidavit that:

1. the applicant has satisfied the applicable continuing education requirement; or

2. the applicant's failure to satisfy the continuing education requirement was occasioned by disability, illness or other good cause as may be determined by the board pursuant to §2751 of this Chapter.

B. A license which has expired by nonrenewal or has been suspended or revoked for failure to satisfy the continuing education requirement of this Subchapter may be reinstated by the board upon application to the board pursuant to §2735 of this Chapter, accompanied by payment of the applicable fees, together with documentation and certification

that the applicant has, for each year since the date on which the applicant's license lapsed, expired, or was suspended or revoked, completed 15 units of approved continuing education, no less than 5 of which shall be in Category I courses meeting the standards prescribed by the ABCP.

C. Any licensee who falsely certifies compliance with the continuing education requirement will be subject to disciplinary action by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1331-1343 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 40:

§2751. Waiver of Requirement

A. The board may, in its discretion, waive all or part of the continuing education required by these rules in favor of a licensed perfusionist who makes written request for waiver to the board and evidences to its satisfaction a permanent physical disability, illness, financial hardship or other similar extenuating circumstances precluding the individual's satisfaction of the requirement.

B. Any licensed perfusionist submitting a continuing education waiver request is required to do so on or before the date specified for licensure renewal by these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1331-1343 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 40:

Subpart 3. Practice

Chapter 58. Perfusionists

Subchapter A. General Provisions

§5801. Scope of Chapter

A. The rules of this Chapter govern the practice of perfusion in the state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1331-1343 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 40:

§5803. General Definitions

A. The definitions set forth in Chapter 27 of these rules shall equally apply to this Chapter, unless the context clearly states otherwise.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1331-1343 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 40:

Subchapter B. Unauthorized Practice, Exemptions, and Designation of Licensures

§5805. Unauthorized Practice

A. No individual shall engage or attempt to engage in the practice of perfusion in this state,

unless he or she holds a current license or a provisional license issued by the board under Chapter 27 of these rules.

B. An individual who does not hold a current license issued by the board as a licensed perfusionist, or whose license has been suspended, revoked or placed on inactive status, shall not use in conjunction with his or her name the words "Licensed Perfusionist," "LP," or any other similar words, letters, abbreviations or insignia indicating directly or by implication, that he or she is a licensed perfusionist or that the services provided by such individual constitute perfusion.

C. An individual who does not hold a current provisional license issued by the board, or whose provisional license has been suspended or revoked, shall not use in conjunction with his or her name the words "Provisional Licensed Perfusionist," or "PLP" or any other similar words, letters, abbreviations, or insignia indicating directly or by implication, that he or she is a provisional licensed perfusionist or that the services provided by such individual constitute perfusion.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1331-1343 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 40:

§5807. Exemptions from Licensure

A. The prohibitions of §5805.A of this Chapter shall not prohibit an individual:

1. who is a qualified perfusionist employed by the United States Government from engaging in the practice of perfusion while acting in the discharge of his or her official duties;

2. who is an appropriately trained and qualified health care provider from:

- a. monitoring an extracorporeal membrane oxygenation (ECMO) circuit in conjunction and with the consultation of a licensed perfusionist; or

- b. performing autotransfusion under the direct or indirect supervision of a licensed perfusionist.

3. currently licensed in this state as a registered nurse from performing perfusion services;

4. acting under and within the scope of a license issued by the board or another licensing agency of the state of Louisiana;

5. pursuing a course of study as a student in a CAAHEP accredited perfusion education program from performing perfusion services, provided:

- a. the service is an integral part of the student's course of study;

- b. the service is performed under the direct supervision of licensed perfusionist who is assigned to supervise the student and who is on duty and

immediately available in the assigned patient care area; and

c. the student is identified by title, name tag or otherwise which clearly designates the individual's status as a *student* or *trainee*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1331-1343 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 40:

Subchapter C. Mutual Obligations

§5809. Mutual Obligations and Responsibilities

A. A licensed perfusionist and provisional licensed perfusionist shall be obligated to:

1. comply with reasonable requests by the board for personal appearances, information and documentation relative to the functions, activities and performance of the licensed perfusionist or provisional licensed perfusionist;

2. as a licensed perfusionist, practice under the written prescription or verbal orders of a physician and/or pursuant to perfusion protocols as defined by R.S. 37:1333;

3. as a supervising perfusionist, provide supervision and direction for all perfusion services performed by a provisional licensed perfusionist, and insure that all perfusion services provided are appropriate for the individual's level of training and experience;

4. as a provisional licensed perfusionist, practice at all times under the supervision and direction of a licensed perfusionist; and

5. immediately notify the board in writing, of the withdrawal or designation of a new licensed perfusionist to serve as the primary supervising perfusionist for a provisional licensed perfusionist.

B. A licensed perfusionist and provisional licensed perfusionist shall insure compliance with the obligations, responsibilities and provisions set forth in the Act, Chapter 27 and this Chapter, and immediately report any violation or noncompliance thereof to the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1331-1343 and 37:1270(A)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 40:

Subchapter D. Grounds for Administrative Action

§5811. Causes for Administrative Action

A. The board may deny, refuse to issue, renew, reinstate or reactivate, or may suspend, revoke or impose probationary terms, conditions and restrictions on the license of a licensed perfusionist or provisional licensed perfusionist if the licensee or applicant has been guilty of unprofessional conduct which has endangered or is likely to endanger the health, welfare, or safety of the public.

B. As used herein, *unprofessional conduct* by an applicant, licensed perfusionist or provisional licensed perfusionist in this state shall mean and include, but not be limited to:

1. conviction of a crime or entry of a plea of guilty or nolo contendere to a criminal charge constituting a felony under the laws of Louisiana, the United States, or the state in which such conviction or plea was entered;

2. conviction of a crime or entry of a plea of guilty or nolo contendere to a criminal charge constituting a misdemeanor under the laws of Louisiana, the United States, or the state in which such conviction or plea was entered, arising out of the practice of perfusion;

3. fraud, deceit, misrepresentation, or concealment of material facts in procuring or attempting to procure a license or provisional license to engage in the practice of perfusion;

4. providing false testimony before the board or providing false sworn information to the board;

5. the habitual or recurring abuse of drugs, including alcohol, which affect the central nervous system and which are capable of inducing physiological or psychological dependence;

6. cognitive or clinical incompetency;

7. interdiction by due process of law;

8. continuing or recurring practice which fails to satisfy the prevailing and usually accepted standards of the practice of perfusion in this state;

9. solicitation of patients or self-promotion through advertising or communication, public or private, which is fraudulent, false, deceptive, or misleading;

10. knowingly performing any act which in any way assists an individual, who is not currently licensed as perfusionist or provisional licensed perfusionist, or otherwise exempt from licensure pursuant to the Act or Chapter 27 of these rules, to engage in the practice of perfusion in this state, or having a professional connection with or lending one's name to an illegal practitioner;

11. delegating the performance of perfusion services to a individual who the licensee knows or has reason to know is not qualified by training, experience or licensure to perform such service;

12. inability to practice perfusion with reasonable competence, skill or safety to patients because of mental or physical illness, condition or deficiency, including but not limited to deterioration through the aging process or excessive use or abuse of drugs, including alcohol;

13. refusal to submit to examination and inquiry by a physician, health care professional, or at an institution designated by the board to inquire into the physical and/or mental fitness and ability of an

applicant or licensee to practice perfusion with reasonable skill or safety;

14. failure to respond or to provide information or items within the time requested by the board's staff, respond to a subpoena issued by the board, or to complete an evaluation within the time designated by the board;

15. practicing or otherwise engaging in conduct or functions beyond the scope of licensure authorized by the Act;

16. intentional violation of any federal or state law, parish or municipal ordinance, the state sanitary code, or rule or regulation relative to any contagious or infectious disease;

17. violation of the code of ethics adopted and published by the American Board of Cardiovascular Perfusion;

18. the refusal of the licensing authority of another state to issue, renew, reinstate or reactivate a license or permit to practice perfusion in that state, or the revocation, suspension, or other restriction imposed on a license or permit issued by such licensing authority which prevents, restricts, or conditions practice in that state, or the surrender of a license or permit issued by another state when criminal or administrative charges are pending or threatened against the holder of such license or permit;

19. violating or helping someone else violate any order, decision, rule or regulation of the board or any provision of the Act.

C. A license or provisional license that has been suspended by the board shall be subject to expiration during suspension.

D. The refusal to issue, renew, reinstate or reactivate a license, or to issue a provisional license, or the imposition of probationary or other conditions upon the holder of a license or provisional license, or on an applicant, may be entered into by consent of the individual and the board or may be ordered by the board in a decision made after a hearing in accordance with the Administrative Procedure Act, R.S. 49:951 et seq., and the applicable rules and regulations of the board.

E. The board may, in its discretion, reinstate the license of a licensed perfusionist or provisional licensed perfusionist that has been suspended or revoked or otherwise restricted, or restore to unrestricted status any license or provisional license subject to probationary terms, conditions or restrictions upon payment, if applicable, of the reinstatement fee and satisfaction of such terms and conditions as may be prescribed by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1331-1343 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 40:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of the proposed Rules on the family has been considered. It is not anticipated that the proposed Rules will have any impact on family, formation, stability or autonomy, as described in R.S. 49:972.

Poverty Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the impact of the proposed Rules on those that may be living at or below one hundred percent of the federal poverty line has been considered. It is not anticipated that the proposed Rules will have any impact on child, individual or family poverty in relation to individual or community asset development, as described in R.S. 49:973.

Public Comments

Interested persons may submit written data, views, arguments, information or comments on the proposed Rule to Rita Arceneaux, Confidential Executive Assistant, Louisiana State Board of Medical Examiners, 630 Camp Street, New Orleans, Louisiana, 70130, (504) 568-6820, Ex. 242. She is responsible for responding to inquiries. Written comments will be accepted until 4 p.m., March 24, 2014.

Public Hearing

A request pursuant to R.S. 49:953(A)(2) for a public hearing must be made in writing and received by the board within 20 days of the date of this notice.

Cecilia Mouton, M.D.
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Perfusionists; General, Licensure and Certification and Practice

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule changes will result in a one-time expenditure of \$2,624 In FY 14 for printing costs of the Notice of Intent and final Rule. The proposed rules codify existing practices with regard to general licensure and regulation of perfusionists.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule changes will not impact revenue collections of state or local governmental units. The rules codify existing agency fees for the issuance of a

license and permit as a perfusionist of \$300 and \$200 respectively, and for license and permit renewal of \$150 and \$100.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule changes will have no estimated costs or economic benefits to directly affected persons or non-governmental groups. The proposed rules codify existing practices with regard to general licensure and regulation of perfusionists.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes are not anticipated to have an impact on competition or employment in either the public or private sector.

Cecilia Mouton, M.D.
Executive Director
1402#023

Evan Brasseaux
Staff Director
Legislative Fiscal Office